

REMARKS

Claims 1-6 are currently pending in this application with claims 1 and 3 being in independent form. Claims 1-6 are currently amended. Support for these amendments can be found, for example, on page 4, line 18–page 6 of the specification. No new matter has been added by these amendments. Removal of the rejections and allowance of claims 1-6 is respectfully requested.

Priority to Indian Application 1250/Del/02 filed December 2002 has been denied. Additionally, claims 1-6 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts that the amino acid sequence of SEQ ID NO:3 (which was disclosed “in extenso” in claim 1) and was submitted in paper and computer form with the instant application differs in four positions (W42Y, W69Y, T345M, and P376L) from that of the Indian application. Applicants assert that the conflicting sequential positions are non-functional amino acids which do not affect or impair the characteristics of SEQ ID3. Therefore, Applicants request that the Examiner grant priority to Indian Patent Application 1250/Del/02 filed December 2002. Additionally, the Applicants request the removal of the rejections of claims 1-6 under 35 U.S.C. §112, first paragraph.

On pages 2-3 of the Office Action, the Examiner has made objections to the claims and the specification. In view of the present amendments to the claims and the specification, Applicants respectfully request that the objections be removed. A further review of the specification will be conducted at a later time for additional corrections.

Claims 2-6 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants assert that the present amendments to claims 2-6 overcome this rejection and place claims 2-6 in condition for allowance. Removal of the rejection is respectfully requested.

Additionally, claims 3-6 are rejected under 35 U.S.C. §112, first paragraph because the Examiner asserts that a genomic sequence is not supported by the specification. In view of the claim amendments, Applicants respectfully request the removal of the rejection and allowance of claims 3-6.

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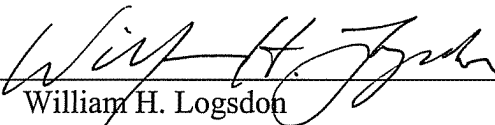
Claims 1-6 are rejected under 35 U.S.C. §101 because the Examiner asserts that the claimed invention is directed toward non-statutory subject matter and suggests amending claim 1 to recite "an isolated salt tolerant". Applicants adopt the Examiner's suggestions and amend the claims accordingly. Removal of the rejection is respectfully requested.

Finally, you will note that there is an Examiner's Amendment on pages 8-9. We believe that pages 8-9 relate to a different application since the above-identified application does not have claims 31, 32 or 41. In addition, Carol A. Fang is not your representative.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that currently pending claims 1-6 are in condition for allowance. Removal of the rejections and allowance of claims 1-6 is respectfully requested. If there are any remaining issues to be resolved, Applicants request that the Examiner contact the undersigned attorney for a telephone interview.

Respectfully submitted,
THE WEBB LAW FIRM

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